



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

HOUSE BILL NO. 237

MONDAY, FEBRUARY 1, 2010

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 11, 2010
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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adles

AN ACT relating to coordinated benefits for Kentucky National Guard members returning from deployment and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 ➔ Section 1. KRS 38.030 is amended to read as follows:

2 (1) Only the Governor shall have the authority to order units and members of the
3 Kentucky National Guard into state active duty.

4 (a) The Governor may order units and individual members of the Kentucky
5 National Guard into state active duty for any of the following purposes:

- 6 1. Protecting lives and property;
- 7 2. Assisting in disaster relief or other humanitarian efforts;
- 8 3. Preventing or suppressing riot or civil disorder;
- 9 4. Enforcing the laws of the Commonwealth; or
- 10 5. Other similar purpose.

11 (b) In addition to ordering personnel and units to state active duty, the Governor
12 may order other members of the Kentucky National Guard to participate in or
13 perform duty in support of state active duty missions notwithstanding the fact
14 that they are then entitled to receive federal pay and allowances pursuant to
15 Title 32 of the United States Code. The personnel may be ordered to perform
16 state active duty support missions either prior to, during, or after the time that
17 state active duty missions are planned or performed.

18 (c) Members of the National Guard who are ordered to perform duty as provided
19 in subsection (1)(b) of this section while they are entitled to receive federal
20 pay under Title 32 of the United States Code shall have all of the powers,
21 immunities, and benefits conferred by law upon persons ordered to state active
22 duty except that they shall receive no additional pay for the duty and the
23 provisions of KRS 38.235 shall not apply to them. The powers, immunities,
24 and benefits conferred upon those persons shall be in addition to, and not in

1 place of, those powers, immunities, and benefits provided under federal law.

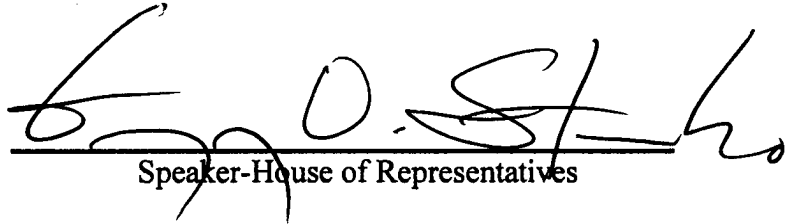
2 (d) Any member of the National Guard may, with his consent, be ordered to state
3 active duty without pay.

4 (2) The Governor may direct the commanding officer of the military forces ordered to
5 state active duty to report to any civil officer, including, but not limited to, judge,
6 county judge/executive, mayor, sheriff, or head of law enforcement or other public
7 agency in whose jurisdiction the state active duty mission is to be performed. The
8 civil officer may advise the commanding officer regarding the specific objectives to
9 be accomplished by the military force, but the tactical direction and disposition of
10 the troops and the particular means to be employed to accomplish the mission shall
11 be left solely to the commanding officer of the National Guard.

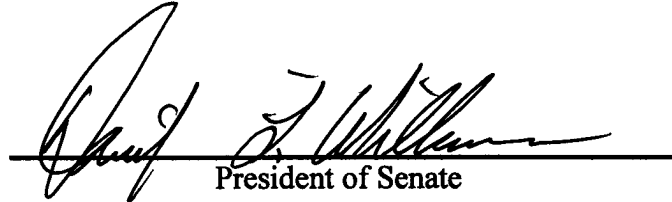
12 (3) Troops shall not be relieved from active field service except by order of the
13 Governor.

14 (4) National Guard officers, enlisted soldiers, and airmen who are temporarily or
15 permanently disabled as a direct result of an injury or disease arising out of the
16 performance of an act in the line of duty while on state active duty ~~[as a result of the~~
17 ~~January, 2009 Winter Storm Response, Mission # 090127G01,]~~ shall, at the
18 discretion of the Governor, remain on paid state active duty status until a competent
19 medical authority releases them to return to their normal activities or the Governor
20 deems it appropriate to relieve the individual from state active duty status.
21 Compensation paid to the soldier or airman by the department shall be adjusted and
22 maintained at the soldier's or airman's regular rate of active duty pay; however,
23 compensation paid by the department shall be reduced by the amount of payments
24 received from workers' compensation insurance, Social Security benefits, and other
25 federal or state-financed disability programs designed to supplement the soldier's or
26 airman's income. Final compensation shall not be reduced by payments for medical
27 care.

1 ➔Section 2. Whereas Kentucky National Guard members who have sustained an
2 injury or disease arising out of the performance of an act in the line of duty while on state
3 active duty are in need of compensation while they recuperate, an emergency is declared
4 to exist, and this Act takes effect upon its passage and approval by the Governor or upon
5 its otherwise becoming a law.



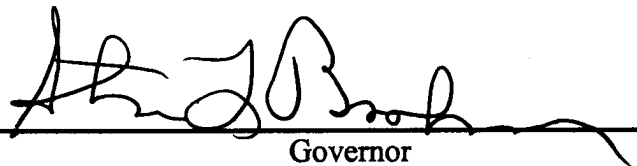
Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date March 11, 2010